

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of:	)	
	)	
Petition for Declaratory Ruling Regarding	)	ET Docket No. 13-259
Treatment of Rulemakings and Waivers	)	DA 13-2113
Related to New Equipment and Services	)	
at Frequencies Above 95 GHz	)	

**COMMENTS OF JAMES EDWIN WHEDBEE, M.P.A., M.Ed.,  
ON BEHALF OF EXPERIMENTAL RADIO STATION WE2XTU**

COMES NOW, the undersigned JAMES EDWIN WHEDBEE, an interested party in the above-captioned proceedings being licensee of radio station WE2XTU, who in accordance with Sections 1.4 and 1.405 of the Commission's rules and regulations (47 CFR §§ 1.4, 1.405) hereby respectfully submits his comments in support of IEEE-USA's Petition, to wit...

1. I am licensee of one of the 13 stations IEEE-USA notes in its Petition (2013, p. 6). WE2XTU is authorized 1 milliwatt ERP on 275-450 GHz for the purpose of studying antenna designs.
  
2. I concur with IEEE-USA's premises that the United States' commercial sector is falling behind international developers in the frequencies above 95 GHz because the regulatory environment is either prohibitively arcane or lengthy proceedings are necessary to adjudicate rulemakings which would ameliorate the difficulties.
  
3. I strongly ratify IEEE-USA's proposition to have the Commission treat applications above 95 GHz as new technologies warranting a shortened 'shot clock.' That said, I believe this hardly goes far enough for the United States technological sector to catch up and keep up with international technologists above 95 GHz.

4. Accordingly, in amplification and ratification of IEEE-USA's proposal, I recommend a "Short Form" combined equipment authorization and experimental radio station license application under both Parts 2 and 5. The "Short Form" application should automatically reject applications which specify any frequency below 95 GHz and inform the applicant to use regular licensing channels for those frequencies; however, applications which specify only frequencies at or above 95 GHz, the license should automatically be granted at the 12:00 AM hour of the next-following business day after the application is accepted. The requirements for acceptance would be met with the payment of the application processing fee and the informational requirements which follow. Given the frequencies in question and the diminutive equipment involved, the Commission should presume mobile and portable-base operation within the territorial United States of America. This would eliminate the need to state a location other than the licensee's address. The license instrument itself should exempt the station from Part 2 equipment authorization for purposes of experimentation, development, technical investigation, and marketing trials, and should authorize any emission with a bandwidth of less than 500 MHz so that extreme-high speed data links can be investigated. Since an exemption from Part 2 is granted, need to disclose the nature of equipment in the application is moot and would actually discourage competition in that most developers would wish to maintain secrecy anyway. I would include a condition in the license that emissions having an effective radiated power greater than 100 Watts ERP are time-limited to 1 minute or less with a 1 minute break in transmissions (*such high power levels are apt to roast an amateur experimenter anyway, and are therefore unlikely, but any licensee assumes that risk in applying*). A further condition is that the licensee avoid all frequencies designated as primarily allocated to space research to prevent/mitigate interference concerns from the radio astronomy sciences, and to this end, the license is conditioned on the licensee having in his/her/its possession a copy of Parts 2 and 5 of the Commission's rules and regulations. These "Short Form" license applications should have a 5 year duration to

encourage significant investment in these higher millimeter wave frequencies. Finally, I would waive the need for station identification so that experimentation can proceed with limited fuss. Above 95 GHz should not need advanced coordination, so there's little other 'red tape' to contend with in granting such experimental radio stations. These stations should be authorized to communication with any other licensed station on the frequencies in the station authorization.

5. Inasmuch as rulemaking proceedings, I cannot amplify IEEE-USA's recommendation beyond what's stated in the petition. Given the speed and efficacy with which regulators like FAA process online petitions for rulemaking, the FCC is notoriously slow and overly deliberative in disposing of its petitions; accordingly, IEEE-USA's recommendations are not only timely and true with respect to new technologies above 95 GHz, but are equally applicable to old technologies. Whether or not this creates an unintended consequence of putting >95 GHz rulemakings at the head of the pecking order is unimportant if the outcome is getting domestic technological developments ahead of foreign competitors.

WHEREFORE, the undersigned respectfully suggests the Commission adopt IEEE-USA's proposals entirely, and where consensus develops around any ideas posed hereinabove, those too.

Respectfully Submitted:



November 2, 2013

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